

State of Arizona  
Senate  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 281

## SENATE BILL 1412

AN ACT

AMENDING SECTION 41-1604.02, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 12; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3014.01; AMENDING LAWS 2003, SECOND SPECIAL SESSION, CHAPTER 5, SECTION 16; RELATING TO CRIMINAL JUSTICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1       Sec. 8. Initial terms of members of the Arizona public safety  
2               communications advisory commission

3       A. Notwithstanding section 41-1830.41, Arizona Revised Statutes, as  
4 added by this act, the initial terms of members of the Arizona public safety  
5 communications advisory commission are:

- 6       1. Five terms ending January 1, 2007.  
7       2. Five terms ending January 1, 2008.  
8       3. Four terms ending January 1, 2009.

9       B. The governor shall make all subsequent appointments as prescribed  
10 by statute.

11       Sec. 9. Adult probation ratios; suspension; Maricopa county

12       Notwithstanding section 12-251, subsection A, Arizona Revised Statutes,  
13 and section 13-916, subsection B, Arizona Revised Statutes, or any other law,  
14 adult probation ratios are suspended for Maricopa county for fiscal year  
15 2004-2005.

16       Sec. 10. Criminal justice enhancement fund; state general fund  
17               deposit; crime laboratory assessment fund

18       Notwithstanding any other law, for fiscal year 2004-2005, any monies  
19 distributed from the criminal justice enhancement fund pursuant to section  
20 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, shall be  
21 deposited in the crime laboratory assessment fund established by section  
22 41-2415, Arizona Revised Statutes. Notwithstanding section 41-2415,  
23 subsection C, Arizona Revised Statutes, monies distributed by this section  
24 pursuant to section 41-2401, subsection D, paragraph 11, Arizona Revised  
25 Statutes, are for use by the department of public safety and are exempt from  
26 distribution to political subdivisions.

27       Sec. 11. Collection enforcement revolving fund

28       Notwithstanding section 41-191.03, subsection B, Arizona Revised  
29 Statutes, the attorney general may use monies in the collection enforcement  
30 revolving fund established by section 41-191.03, Arizona Revised Statutes,  
31 for any operating expenses incurred by the department of law in fiscal year  
32 2004-2005.

33       Sec. 12. Board of executive clemency; chairman; executive  
34               director

35       Notwithstanding any other law, the chairman of the board of executive  
36 clemency shall also act as executive director of the board during fiscal year  
37 2004-2005, fiscal year 2005-2006 and fiscal year 2006-2007.

APPROVED BY THE GOVERNOR MAY 28, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 28, 2004.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-1604.02, Arizona Revised Statutes, is amended  
3 to read:

4 41-1604.02. Inmate stores; establishment; privatization;  
5 prices; goods

6 A. The department may establish and maintain an inmate store at any  
7 prison, institution or facility. THE DEPARTMENT SHALL ENTER INTO A CONTRACT  
8 OR CONTRACTS WITH A PRIVATE ENTITY OR ENTITIES TO ESTABLISH AND MAINTAIN  
9 INMATE STORES. THE DEPARTMENT OR ARIZONA CORRECTIONAL INDUSTRIES MAY ALSO  
10 BE CONSIDERED AS AN ENTITY ELIGIBLE FOR AWARD. Such inmate stores shall  
11 offer for sale, at prices fixed by the CONTRACTOR WITH DIRECTION FROM THE  
12 director THAT ARE NO HIGHER THAN PRICES OF SIMILAR RETAIL PRODUCTS, toilet  
13 articles, candy, tobacco products, notions and other sundries to the persons  
14 confined. The department may provide the facilities, ~~personnel and~~  
15 ~~merchandise necessary to operate such inmate stores.~~ All profit DERIVED from  
16 THE STATE'S PORTION OF PRIVATIZATION OF such inmate stores shall be deposited  
17 in the ~~special services~~ AN INMATE STORE PROCEEDS fund. MONIES IN THE FUND  
18 MAY BE USED AT THE DIRECTOR'S DISCRETION FOR INMATE ACTIVITIES, INCENTIVE PAY  
19 INCREASES FOR CORRECTIONS OFFICERS, EQUIPMENT TO ENHANCE SAFETY FOR BOTH  
20 DEPARTMENT PERSONNEL AND INMATES OR OTHER OFFICIAL NEEDS AS REQUIRED.

21 ~~B. The department may purchase insurance against the damage or loss~~  
22 ~~of inmate store materials, supplies and equipment.~~

23 Sec. 2. Title 41, chapter 12, Arizona Revised Statutes, is amended by  
24 adding article 12, to read:

25 ARTICLE 12. ARIZONA PUBLIC SAFETY  
26 COMMUNICATIONS COMMISSION

27 41-1830.41. Arizona public safety communications advisory  
28 commission; membership; appointment; terms;  
29 meetings

30 A. AN ARIZONA PUBLIC SAFETY COMMUNICATIONS ADVISORY COMMISSION IS  
31 ESTABLISHED IN THE DEPARTMENT OF PUBLIC SAFETY CONSISTING OF THE DIRECTOR OF  
32 THE DEPARTMENT OR THE DIRECTOR'S DESIGNEE AND FOURTEEN OTHER ADVISORY MEMBERS  
33 APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211.

34 B. THE GOVERNOR SHALL MAKE THE APPOINTMENTS SO THAT THE EXISTING FIVE  
35 EMERGENCY RESPONSE REGIONS IN THIS STATE ARE AS EQUALLY REPRESENTED ON THE  
36 ADVISORY COMMISSION AS POSSIBLE.

37 C. MEMBERS SHALL SERVE THREE YEAR TERMS.

38 D. THE ARIZONA PUBLIC SAFETY COMMUNICATIONS ADVISORY COMMISSION SHALL  
39 MEET QUARTERLY OR ON CALL OF THE DIRECTOR WHO SHALL SERVE AS CHAIRMAN.

40 E. COMMISSION MEMBERS ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES  
41 PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

42 41-1830.42. Advisory commission; department; powers and duties;  
43 report

44 A. THE ARIZONA PUBLIC SAFETY COMMUNICATIONS ADVISORY COMMISSION SHALL  
45 MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE DEVELOPMENT AND

1 MAINTENANCE OF WORK PLANS TO OUTLINE AREAS OF WORK TO BE PERFORMED AND  
2 APPROPRIATE SCHEDULES FOR AT LEAST THE FOLLOWING:

3 1. THE DEVELOPMENT OF A STANDARD BASED SYSTEM THAT PROVIDES  
4 INTEROPERABILITY OF PUBLIC SAFETY AGENCIES COMMUNICATIONS STATEWIDE.

5 2. THE PROMOTION OF THE DEVELOPMENT AND USE OF STANDARD BASED SYSTEMS.

6 3. THE IDENTIFICATION OF PRIORITIES AND ESSENTIAL TASKS DETERMINED BY  
7 THE ADVISORY COMMISSION.

8 4. THE DEVELOPMENT OF A TIMELINE FOR PROJECT ACTIVITIES.

9 5. COMPLETION OF A SURVEY OF EXISTING AND PLANNED EFFORTS STATEWIDE  
10 AND BENCHMARK AGAINST SIMILAR EFFORTS NATIONALLY.

11 6. PROVIDING SUPPORT FOR THE STATE INTEROPERABILITY EXECUTIVE  
12 COMMITTEE.

13 7. ESTABLISHING COMMITTEES AND WORK GROUPS AS NECESSARY.

14 B. THE DEPARTMENT MAY:

15 1. EMPLOY PERSONNEL AS REQUIRED WITH AVAILABLE MONIES.

16 2. ENTER INTO CONTRACTS TO ASSESS, DESIGN, CONSTRUCT AND USE PUBLIC  
17 SAFETY COMMUNICATIONS SYSTEMS.

18 3. ACCEPT GRANTS, FEES AND OTHER MONIES FOR USE BY THE DEPARTMENT AND  
19 THE ADVISORY COMMISSION.

20 4. ENTER INTO AGREEMENTS TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

21 5. REQUEST COOPERATION FROM ANY STATE AGENCY FOR THE PURPOSES OF THIS  
22 ARTICLE.

23 C. THE DEPARTMENT OF PUBLIC SAFETY SHALL CONSULT WITH THE DIRECTOR OF  
24 THE GOVERNMENT INFORMATION TECHNOLOGY AGENCY OR THE DIRECTOR'S DESIGNEE ON  
25 AN ONGOING BASIS AND SUBMIT A REPORT QUARTERLY TO THE DIRECTOR AND THE JOINT  
26 LEGISLATIVE BUDGET COMMITTEE FOR REVIEW REGARDING EXPENDITURES AND PROGRESS  
27 OF THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING A REVIEW OF STAFF OPERATIONS  
28 AND PREPARATION OF REQUESTS FOR PROPOSALS FOR SYSTEM DETAIL AND CONCEPT WORK.

29 D. THE COMMISSION SHALL ANNUALLY SUBMIT A REPORT OF ITS ACTIVITIES AND  
30 RECOMMENDATIONS TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES  
31 AND THE PRESIDENT OF THE SENATE ON OR BEFORE DECEMBER 1 AND SHALL PROVIDE A  
32 COPY OF THE REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA  
33 STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

34 Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes, is  
35 amended by adding section 41-3014.01, to read:

36 41-3014.01. Arizona public safety communications advisory  
37 commission; termination July 1, 2014

38 A. THE ARIZONA PUBLIC SAFETY COMMUNICATIONS ADVISORY COMMISSION  
39 TERMINATES ON JULY 1, 2014.

40 B. TITLE 41, CHAPTER 12, ARTICLE 12 IS REPEALED ON JANUARY 1, 2015.

1           Sec. 4. Laws 2003, second special session, chapter 5, section 16 is  
2 amended to read:

3           Sec. 16. Prison beds; authorization; certificates of  
4                                   participation

5           The department of administration may issue a certificate of  
6 participation in fiscal year 2003-2004 for the expansion of facilities that  
7 will provide 1,000 beds in the prison system. The total cost of construction  
8 shall not exceed \$37,496,000 and shall include design, construction,  
9 FURNITURE, FIXTURES, EQUIPMENT and administrative oversight by the department  
10 of administration. The proceeds of the certificates of participation may be  
11 considered state matching monies for any available federal monies.

12          Sec. 5. Inmate store privatization; implementation

13          On or before September 1, 2004, the state department of corrections  
14 shall issue a request for proposal for the privatization of inmate stores.  
15 The director may issue a request for information to be used in the  
16 formulation of a request for proposal to ensure the highest level of success  
17 and profitability to the state. On or before November 1, 2004, the state  
18 department of corrections shall award the request for proposal for the  
19 privatization of inmate stores. The request for proposal may include  
20 language to ensure offerings of interest to the inmate population, selection  
21 and delivery of methods suitable for various custody levels and inmate  
22 classifications and flexibility in hours of operation. The state department  
23 of corrections shall implement the privatization of inmate stores pursuant  
24 to section 41-1604.02, Arizona Revised Statutes, as amended by this act, by  
25 January 15, 2005. Prices for items sold by inmate stores shall be increased  
26 on a gradual basis, as determined by the contractors and the director of the  
27 state department of corrections, over the first three years after  
28 privatization. It is the intent of the legislature in section 41-1604.02,  
29 Arizona Revised Statutes, as amended by this act, and in this section to  
30 increase the profitability of the state inmate stores while maintaining order  
31 within the inmate population.

32          Sec. 6. Private incarceration facilities; procurement exemption

33          Notwithstanding any other law, for fiscal year 2004-2005 the state  
34 department of corrections is exempt from the provisions of title 41, chapter  
35 23, Arizona Revised Statutes, for private incarceration facility  
36 contracts. All other procurement by the department shall be as prescribed  
37 by title 41, chapter 23, Arizona Revised Statutes.

38          Sec. 7. Purpose

39          Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,  
40 the legislature establishes the Arizona public safety communications advisory  
41 commission to make recommendations regarding the development of a state of  
42 the art public safety interoperable communications network for Arizona and  
43 a long-term interoperability plan for the use of the network.

Passed the House May 20, 2004

by the following vote: 36 Ayes,

24 Nays, 0 Not Voting

Jake Flake  
Speaker of the House

Speman L. Syoore  
Chief Clerk of the House

Passed the Senate May 5, 2004

by the following vote: 23 Ayes,

7 Nays, 0 Not Voting

Ken Blumett  
President of the Senate

Charmain Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

S.B. 1412

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate May 24, 2004,

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

Klu Blumett  
President of the Senate  
Chasmin B. Wright  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24th day of May, 2004,

at 3:49 o'clock P. M.

Winnifred Upbar  
Secretary to the Governor

Approved this 28 day of

May, 2004,

at 11:30 o'clock A. M.

J. N. Reynolds  
Governor of Arizona

S.B. 1412

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of May, 2004

at 1:47 o'clock P. M.

Janice K. Brewer  
Secretary of State